

1141
DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC - 6 2011

By

Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Subcase No.: 37-20940

Case No. 39576

STANDARD FORM 5

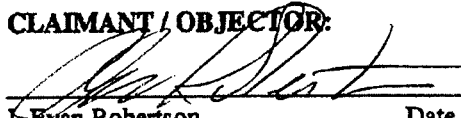
**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:


J. Evan Robertson

Date

Attorney for Eccles Window Rock Ranch

11/28/11

IDWR CONCURRENCE:


Douglas Jones

Date

Technical Engineer 1

11/3/11

IDWR CONCURRENCE:


Nicholas B. Spencer

Date

Deputy Attorney General
Attorney for IDWR

11-4-11

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-20940

NAME AND ADDRESS: ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: BIG WOOD RIVER Tributary: MALAD RIVER

QUANTITY: 1.100 CFS

PRIORITY DATE: 08/15/1902

POINT OF DIVERSION: ~~TO1N R18E S2 Lot 1 NWNE~~ Within BLAINE County
TO1N R18E S2 Lot 1 SWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 10/31	1.100 CFS

PLACE OF USE: IRRIGATION within BLAINE County

~~TO1N R18E S02 NWNE 11.0~~	<u>TO1N R18E S02 Lot 1 NENE 17.0</u>
~~TO1N R18E S02 NWNE 8.6~~	<u>TO1N R18E S02 Lot 2 NWNE 9.5</u>
~~TO1N R18E S02 SENE 11.0~~	<u>TO1N R18E S02 SENE 14.0</u>
<u>40.5 ACRES TOTAL</u>	<u>30.8 ACRES TOTAL</u>

Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.

Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.

Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 50.8 acres in a single irrigation season.

Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM Decreed

Source is known locally as the Broadford Slough.

This right is a portion of former rights 37-688D and 37-688E.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

The point of diversion is located in Lot 1 of the Forest Williams Subdivision, and is known as the #42-P2 pump.

The place of use is the Cal Pacifico Ranch Subdivision and the Forest Williams Subdivision.


NBS 

CERTIFICATE OF SERVICE

I certify that on December 6, 2011, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

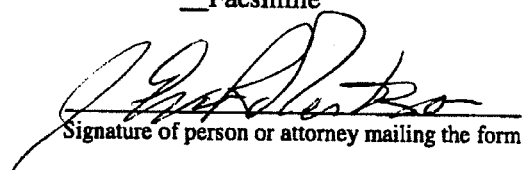
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

J. Evan Robertson
P.O. Box 1906
Twin Falls, ID 83303-1906

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form